

# Senate Study Bill 1247

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CO=CHAIRPERSONS HORN and McKIBBEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act establishing an interior design examining board, providing  
2 for the registration of interior designers, and providing fees  
3 and penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1677XC 81  
6 rn/sh/8

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1 1 Section 1. NEW SECTION. 544C.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Board" means the interior design examining board  
1 5 established pursuant to this chapter.  
1 6 2. "Division" means the professional licensing and  
1 7 regulation division of the department of commerce.  
1 8 3. "Interior design" means the design of interior spaces  
1 9 in conformity with public health, safety, and welfare  
1 10 requirements, including the preparation of documents relating  
1 11 to space planning, finish materials, furnishings, fixtures,  
1 12 and equipment; and the preparation of documents relating to  
1 13 interior construction that does not directly affect the  
1 14 mechanical or structural systems of a building. "Interior  
1 15 design" does not include services that constitute the practice  
1 16 of architecture or the practice of professional engineering.  
1 17 4. "Registered interior designer" means a person  
1 18 registered under this chapter who is a registered design  
1 19 professional qualified by education, experience, and  
1 20 examination to affect the function, safety, and quality of  
1 21 interior spaces.  
1 22 Sec. 2. NEW SECTION. 544C.2 ESTABLISHMENT OF INTERIOR  
1 23 DESIGN EXAMINING BOARD.  
1 24 1. An interior design examining board is established  
1 25 within the division. The board consists of seven members,  
1 26 five members who are interior designers who are registered  
1 27 under this chapter, and who have been in the active practice  
1 28 of interior design for not less than five years, the last two  
1 29 of which shall have been in Iowa; and two members who are not  
1 30 registered under this chapter and who shall represent the  
1 31 general public. Members shall be appointed by the governor  
1 32 subject to confirmation by the senate.  
1 33 2. Professional associations or societies composed of  
1 34 interior designers may recommend the names of potential board  
1 35 members to the governor, but the governor is not bound by the  
2 1 recommendations. A board member is not required to be a  
2 2 member of any professional association or society composed of  
2 3 registered interior designers.  
2 4 3. Appointments shall be for three-year terms and shall  
2 5 commence and end as provided in section 69.19. Vacancies  
2 6 shall be filled for the unexpired term by appointment of the  
2 7 governor and shall require senate confirmation. Members shall  
2 8 serve no more than three terms or nine years, whichever is  
2 9 less.  
2 10 Sec. 3. NEW SECTION. 544C.3 DUTIES OF THE BOARD.  
2 11 The duties of the board shall include, but are not limited  
2 12 to, all of the following:  
2 13 1. Administering and enforcing this chapter.  
2 14 2. Establishing requirements for the examination,  
2 15 education, and practical training of applicants for

2 16 registration.

2 17 3. Holding meetings each year for the purpose of

2 18 transacting business pertaining to the affairs of the board.

2 19 Action at a meeting shall not be taken without the affirmative

2 20 votes of a majority of members of the board.

2 21 4. Adopting rules under chapter 17A necessary for the

2 22 proper performance of its duties.

2 23 5. Establishing fees for registration as a registered

2 24 interior designer, renewal of registration, reinstatement of

2 25 registration, and for other activities of the board pertaining

2 26 to its duties. The fees shall be sufficient to defray the

2 27 costs of administering this chapter, and shall be deposited in

2 28 the general fund of the state.

2 29 6. Maintaining records, which are open to public

2 30 inspection at all reasonable times, of its proceedings

2 31 relating to the issuance, refusal, renewal, suspension, and

2 32 revocation of registration. The records shall also contain a

2 33 roster indicating the name, place of business and residence,

2 34 and the date and registration number of every registrant.

2 35 The administrator of the division shall provide staff to

3 1 assist the board in the implementation of this chapter.

3 2 Sec. 4. NEW SECTION. 544C.4 EXPENSES == COMPENSATION.

3 3 The members of the board are entitled to be reimbursed for

3 4 the actual expenses incurred in the performance of their

3 5 duties within the limits of the funds appropriated to the

3 6 board. Each member of the board may also be eligible to

3 7 receive compensation as provided in section 7E.6.

3 8 Sec. 5. NEW SECTION. 544C.5 QUALIFICATIONS FOR

3 9 REGISTRATION.

3 10 Each applicant for registration must meet the interior

3 11 design education and practical training requirements adopted

3 12 by rule by the board, and have passed an examination

3 13 prescribed by the board that is task-oriented, focused on

3 14 public safety, and validated by a recognized testing agency.

3 15 The division shall register an individual who submits an

3 16 application to the board on the form and in the manner

3 17 prescribed by the board as a registered interior designer if

3 18 the individual satisfies the following requirements:

3 19 1. Submits written proof that the individual has

3 20 successfully passed the national council for interior design

3 21 qualification examination, or its equivalent.

3 22 2. Has completed a four-year professional degree in

3 23 interior design or an equivalent education and practical

3 24 training requirement determined by the board, and has

3 25 completed practical training in interior design that

3 26 incorporates qualitative as well as quantitative criteria of a

3 27 nature satisfactory to the board.

3 28 3. Submits the required registration fee to the board.

3 29 Sec. 6. NEW SECTION. 544C.6 RECIPROCAL REGISTRATION.

3 30 The board may also grant registration by reciprocity. An

3 31 applicant applying to the board for registration by

3 32 reciprocity shall furnish satisfactory evidence that the

3 33 applicant meets both of the following requirements:

3 34 1. Holds a valid registration or license issued by another

3 35 registration authority recognized by the board, where the

4 1 qualifications for registration or licensure were

4 2 substantially equivalent to those prescribed in this state on

4 3 the date of original registration or licensure with the other

4 4 registration authority.

4 5 2. Holds a current certificate number issued by the

4 6 national council for interior design qualification.

4 7 Sec. 7. NEW SECTION. 544C.7 REGISTRATION ISSUANCE.

4 8 When an applicant has complied with the qualifications for

4 9 registration in section 544C.5 or 544C.6 to the satisfaction

4 10 of a majority of the members of the board and has paid the

4 11 fees prescribed by the board, the board shall enroll the

4 12 applicant's name and address in the roster of registered

4 13 interior designers and issue to the applicant a registration

4 14 certificate, signed by the officers of the board. The

4 15 certificate shall entitle the applicant to use the title

4 16 "registered interior designer" in this state.

4 17 Sec. 8. NEW SECTION. 544C.8 CONTINUING EDUCATION.

4 18 A registered interior designer shall, at the time of

4 19 application for renewal of a certificate of registration,

4 20 submit proof of completion of continuing education

4 21 requirements established by rules adopted by the board.

4 22 Sec. 9. NEW SECTION. 544C.9 REVOCATION, SUSPENSION, AND

4 23 NONISSUANCE OF REGISTRATION.

4 24 1. The board may revoke, suspend, or refuse to issue or

4 25 renew the registration of any person upon a finding of any of

4 26 the following:

4 27 a. Fraud in obtaining or renewing a certificate of  
4 28 registration.  
4 29 b. Professional incompetency.  
4 30 c. Knowingly making misleading, deceptive, untrue, or  
4 31 fraudulent representations in the practice of the registrant's  
4 32 profession or engaging in unethical conduct or practice  
4 33 harmful or detrimental to the public. Proof of actual injury  
4 34 need not be established.

4 35 d. Conviction of a felony related to the profession or  
5 1 occupation of the registrant. A copy of the record of  
5 2 conviction or plea of guilty shall be conclusive evidence of  
5 3 the conviction.

5 4 e. Unlawful use of the title of "registered interior  
5 5 designer".

5 6 f. Willful or repeated violations of the provisions of  
5 7 this chapter or a rule adopted under this chapter.

5 8 2. Any person may appeal a finding of the board within  
5 9 thirty days of the date of notification of action. Upon  
5 10 appeal, the board shall schedule a hearing in accordance with  
5 11 chapter 17A.

5 12 Sec. 10. NEW SECTION. 544C.10 UNLAWFUL USE OF TITLE OF  
5 13 "REGISTERED INTERIOR DESIGNER" == VIOLATIONS == PENALTY ==  
5 14 CONSENT AGREEMENT.

5 15 1. It is unlawful for a person to use the title, or aid or  
5 16 abet a person in using the title, of "registered interior  
5 17 designer" or any title or device indicating that the person is  
5 18 a registered interior designer unless the person has been  
5 19 issued a certificate of registration as provided in this  
5 20 chapter. This section does not prohibit the provision of  
5 21 interior design services, or the use of the terms "interior  
5 22 design" or "interior designer", by an architect or by a person  
5 23 who is not registered as an interior designer.

5 24 2. A person who violates this section is guilty of a  
5 25 simple misdemeanor. The board, in its discretion and in lieu  
5 26 of prosecuting a first offense under this section, may enter  
5 27 into a consent agreement with a violator, or with a person  
5 28 guilty of aiding or abetting a violator, which acknowledges  
5 29 the violation and the violator's agreement to refrain from any  
5 30 further violations.

5 31 Sec. 11. NEW SECTION. 544C.11 INJUNCTION.

5 32 In addition to any other remedies, and on the petition of  
5 33 the board, any person violating this chapter may be restrained  
5 34 and permanently enjoined from committing or continuing the  
5 35 violations.

6 1 Sec. 12. NEW SECTION. 544C.12 SCOPE OF CHAPTER.

6 2 This chapter does not apply to the following:

6 3 1. A person licensed to practice architecture pursuant to  
6 4 the laws of this state who is exclusively engaged in the  
6 5 practice of the person's profession and who does not represent  
6 6 that the person is a registered interior designer.

6 7 2. A person licensed as a professional engineer pursuant  
6 8 to the laws of this state who is exclusively engaged in the  
6 9 practice of the person's profession and who does not represent  
6 10 that the person is a registered interior designer.

6 11 3. A person who performs the following services: selling,  
6 12 selecting, or assisting in selecting personal property used in  
6 13 connection with furnishings of interior spaces or fixtures  
6 14 such as, but not limited to, furnishings, decorative  
6 15 accessories, furniture, paint, wall coverings, window  
6 16 treatments, floor coverings, cabinets, countertops, surface=  
6 17 mounted lighting, or decorative materials for a retail sale;  
6 18 or installing or coordinating installations as a part of the  
6 19 prospective retail sale, or providing computer-aided or other  
6 20 drawings for the purpose of retail sale if the drawings are  
6 21 used for material listed for retail sale; and who does not  
6 22 represent that the person is a registered interior designer.

6 23 Sec. 13. NEW SECTION. 544C.13 REGISTRATION NUMBER.

6 24 A registered interior designer may affix their Iowa  
6 25 registration number and signature to interior design  
6 26 construction documents if required by any state or local  
6 27 building department for the purpose of obtaining a building  
6 28 permit.

6 29 Sec. 14. NEW SECTION. 544C.14 TRANSITION PROVISIONS.

6 30 For a period of two years from the effective date of this  
6 31 Act, the board may issue a certificate as a registered  
6 32 interior designer to a person who does not meet the  
6 33 examination requirements specified in section 544C.5, if the  
6 34 person submits evidence to the board demonstrating both of the  
6 35 following:

7 1 1. Ten years of experience as an interior designer, or  
7 2 eight years of experience as an interior designer and two

7 3 years of interior design education that is acceptable to the  
7 4 board.  
7 5 2. Successful completion of the examination conducted with  
7 6 regard to life safety codes and barrier-free requirements  
7 7 prepared by the national council for interior design  
7 8 qualification.

7 9 Sec. 15. INITIAL BOARD. The initial members of the  
7 10 interior design examining board shall be appointed to the  
7 11 following terms:

7 12 1. Two interior designer members shall be appointed for a  
7 13 term of three years.

7 14 2. Two interior designer members and one public member  
7 15 shall be appointed for a term of two years.

7 16 3. One interior designer member and one public member  
7 17 shall be appointed for a term of one year.

7 18 4. The initial interior designer members need not meet the  
7 19 requirements for registration, but shall have previously  
7 20 passed the examination by the national council for interior  
7 21 design qualification, and shall have been in active practice  
7 22 for not less than five years, the last two of which shall have  
7 23 been in Iowa.

7 24 EXPLANATION

7 25 This bill creates a new Code chapter 544C that provides for  
7 26 the registration of interior designers in order to use the  
7 27 title of registered interior designer. The bill provides for  
7 28 the establishment of a seven-member interior design examining  
7 29 board consisting of five members who are registered interior  
7 30 designers and two members who represent the general public.  
7 31 The bill provides, among other duties, that the board shall  
7 32 administer the new Code chapter, establish requirements for  
7 33 the examination, education, and practical training of  
7 34 applicants for registration, and establish fees for  
7 35 registration as a registered interior designer, renewal of  
8 1 registration, reinstatement of registration, and for other  
8 2 activities of the board pertaining to its duties in an amount  
8 3 sufficient to defray the costs of administering the Code  
8 4 chapter. The bill provides that the fees shall be deposited  
8 5 in the general fund of the state.

8 6 The bill provides that each applicant for registration must  
8 7 meet the interior design education and practical training  
8 8 requirements adopted by rule by the board, and have passed an  
8 9 examination prescribed by the board that is task-oriented,  
8 10 focused on public safety, and validated by a recognized  
8 11 testing agency. The bill provides that to be registered, an  
8 12 applicant shall submit written proof of having passed the  
8 13 national council for interior design qualification  
8 14 examination, or its equivalent, and have completed a four-year  
8 15 professional degree in interior design or an equivalent  
8 16 education and practical training requirement determined by the  
8 17 board and have completed practical training in interior design  
8 18 that incorporates qualitative as well as quantitative criteria  
8 19 of a nature satisfactory to the board.

8 20 The bill provides that the board may also grant  
8 21 registration by reciprocity under specified circumstances, and  
8 22 also specifies circumstances under which the board may revoke,  
8 23 suspend, or refuse to issue or renew a registration.

8 24 The bill additionally provides that it is unlawful for a  
8 25 person to use the title of registered interior designer unless  
8 26 the person has been issued a certificate of registration  
8 27 pursuant to the new Code chapter, but provides that a person  
8 28 who is an architect or otherwise not registered may provide  
8 29 interior design services, or use the terms "interior design"  
8 30 or "interior designer". The bill provides penalties for  
8 31 violation of these provisions, and other provisions of the  
8 32 Code chapter.

8 33 The bill provides that the new Code chapter shall not apply  
8 34 to a licensed architect, professional engineer, or individuals  
8 35 performing specified furnishing or retail sales services who  
9 1 do not use the title or represent that they are a registered  
9 2 interior designer.

9 3 The bill provides transition provisions for a period of two  
9 4 years from the bill's effective date for persons not meeting  
9 5 the specified examination requirements of the new Code  
9 6 chapter.

9 7 LSB 1677XC 81

9 8 rn:nh/sh/8.1